234 Mo. 200. Due to this fact, the test of relevancy of evidence to prove system should be rigidly adhered to and that part of the principal case here noted does not seem to comply with the test above quoted. Disposal of other stolen jewelry does not seem to show a plan pursuant to which the brooch in question was taken, the two acts appear quite unconnected, with no concurrence of common features, and the holding seems doubtful in the application of the law to the particular facts as stated in the opinion.

DEATH BY WRONGFUL ACT—ACTION FOR BENEFIT OF RELATIVES OF DECEASED NOT MAINTAINABLE AGAINST WRONGDOER'S ADMINISTRATOR.—D's intestate shot and killed P's wife. Shortly afterwards the former died. P now sues D, as administrator, under a statute, which follows Lord Campbell's Act, conferring on relatives of deceased persons a right of action for wrongful death. *Held,* action cannot be maintained against administrator after death of wrongdoer. *Demezuk* v. *Jenifer* (Md., 1921), 114 Atl. 471.

It is a familiar rule of common law that personal actions die with the person. Statutes authorizing a right of action for wrongful death for the benefit of relatives of deceased, being in derogation of common law, are construed strictly. Where they follow the language of Lord Campbell's Act the decisions in the various states are unanimously in accord with the principal case, whether the action be commenced originally against the wrongdoer's administrator. *Clark* v. *Goodwin,* 170 Cal. 527, L. R. A. 1916A, 1142; *Hamilton* v. *Jones,* 125 Ind. 176; *Carrigan* v. *Cole,* 35 R. I. 162; or is sought to be revived against him, the wrongdoer having died after action brought and before judgment. *Bates* v. *Sylvester,* 205 Mo. 403, 11 L. R. A. (n. s.) 1157; *Kranz* v. *Wisconsin Trust Co.,* 155 Wis. 40, Ann. Cases 1915C, 1050. However, the action against the wrongdoer's administrator is upheld in a number of states, generally not by virtue of the statute conferring the right of action on the relatives of the deceased person, but by authority of some other statute expressly providing for the survival of personal injury actions. *Devine* v. *Healy,* 241 Ill. 34; *Morehead's Admr.* v. *Bittner,* 106 Ky. 523. Such statutes, when remedial in character, should be construed liberally. *Hackensack Trust Co.* v. *Vanden Berg,* 88 N. J. Law 518. A statute providing that no action except suits for penalties and for *damages merely vindictive* shall abate by the death of either party has been construed to extend the remedy under a Death Act against the representative of a deceased wrongdoer. The recovery for benefit of relatives of deceased is for the pecuniary injury to them alone, and the action cannot be considered as a punishment for the defendant. *Collier* v. *Arrington,* 61 N. C. 356. But see *Davis* v. *Nichols,* 54 Ark. 358, where an earlier statute providing for the survival of actions *ex delicto* by and against the representatives of both parties was held not to extend the remedy, under a later statute following Lord Campbell's Act, against the administrator, the wrongdoer having died pending suit. It was held that the earlier statute applied only to prevent subsisting causes of action from abating, whereas the action for benefit of relatives was a new cause of action which the death originates. The statute on this subject in Texas expressly provides that, if the defendant die pend-

ing suit, the action may be revived against his executor or administrator, but this does not confer a right of action against the latter where the wrongdoer has died before the suit is brought. *Johnson* v. *Farmer,* 89 Tex. 610. The Maryland statute providing for the survival of personal actions expressly excepts actions for injury to the person where the defendant dies, and the principal case rightly holds that this statute does not help the plaintiff's cause.

DIVORCE—VALIDITY OF FOREIGN DECREE—ALIMONY.—Parties were married in Iowa and removed to Arkansas, where the wife obtained a divorce, the husband being served by publication and no personal jurisdiction being obtained. No provision was made for alimony and the wife started a separate action for alimony in Iowa. *Held,* the action was not maintainable. *McCoy* v. *McCoy* (Iowa, 1921), 183 N. W. 377.

In another case, plaintiff was domiciled in New York and married defendant in Washington, D. C. Previously, defendant and X had been married in Missouri and had moved to Texas, which was their last matrimonial domicile. X left defendant in Texas, went to Nevada, and there obtained a divorce. Defendant never appeared in the divorce proceedings, service being by publication. Plaintiff now claims the marriage between himself and defendant was invalid, as defendant was not legally divorced from X. *Held,* if the wife, at the time the divorce was procured, was domiciled in Texas, her status there controls, and if Texas recognizes such a decree as was obtained in Nevada, on the ground of comity, it will be recognized in New York; as neither party to that decree was a New York resident, the state's policy of protecting its residents against foreign divorce decrees, based on constructive service, is not involved. *Ball* v. *Cross* (N. Y., 1921), 132 N. E. 106.

The courts in the instant cases have again been confronted with the perplexing questions arising from the lack of uniformity in our state divorce laws. In *Haddock* v. *Haddock,* 201 U. S. 562, the husband and wife were domiciled in New York, when the husband left her and acquired in good faith a domicile in Connecticut, there obtaining a divorce based on constructive service on the wife, who remained domiciled in New York and made no appearance. The wife subsequently sued for divorce in New York and obtained personal service on the husband, who pleaded the Connecticut judgment as a bar. The United States Supreme Court held that the Connecticut decree rendered, not being based on personal jurisdiction, was not entitled to full faith and credit in New York under the federal Constitution. In *Bates* v. *Bodie,* 245 U. S. 520, L. R. A. 1918C, 355, the parties were married in Nebraska, but removed to Arkansas, and in a divorce proceeding the Arkansas court rendered a decree based on personal jurisdiction over both parties, and allowed certain alimony. The wife then commenced an action in Nebraska for a further amount of alimony, alleging that the value of certain Nebraska property had not been considered in computing the alimony. The court held that the full faith and credit clause made obligatory the enforcement of the Arkansas decree in Nebraska and that that decree was a conclusive determination of the alimony to be given. It will be noted